

NEVADA DEPARTMENT OF AGRICULTURE
WORKING SCHEDULES
POLICY #AG-1-HR-5

PURPOSE:

Allow Division Administrators to establish employees work schedules (including variable workday, staggered shifts, or consideration of innovative workweeks) that will effectively meet the Department's workforce needs and utilize their personnel resources within the provisions of this policy and in compliance with federal and state statutes and regulations.

POLICY:

It is the policy of the Department of Agriculture to allow the use of alternative or variable workday schedules, when it is deemed necessary and possible, as a tool to improve efficiency, decrease costs and provide employees and management flexibility, provided the workweek does not exceed 40 hours.

SCOPE:

This policy and the procedures contained within shall apply to all Department employees.

REFERENCES:

Nevada Revised Statutes (NRS) 281.100, 281.110, 284.148 and 284.180, inclusive and Nevada Administrative Code (NAC) 284.0637, 284.0638, 284.067, 284.071, 284.072, 284.100, and 284.524.

FORM:

As currently provided by the Division of Human Resource Management (DHRM), the Department of Agriculture and Nevada Employee Action and Timekeeping System (NEATS).

RESPONSIBILITY:

1. Agency Human Resource Services (AHRS) shall be responsible for:
 - a. Providing assistance to supervisors and employees in the interpretation and explanation of this policy and related department policies, state statutes and regulations.
 - b. Processing employee work schedule agreements and records documents.
2. Supervisors/Division Administrators are responsible for:
 - a. Division Administrators will determine the appropriateness of an employee's request to work an innovative or alternate workweek schedule

and assure that implementation of that schedule is not detrimental to the interests of the Division or Department.

- b. Supervisors must ensure that an employee's alternative or innovative workweek does not negatively impact services or in any way compromise the ability of the individual or division to perform its work or create significant added costs. This includes, but is not limited to supervisory coverage, systems/administrative support, security, interaction with the public, contractors, other agencies, and other department employees.
- c. Supervisors/managers must ensure that employees who are approved and work an alternative workweek or variable workday schedule are properly working the hours of that assigned schedule and are accurately recording their time, including any overtime.

3. Employees are responsible for:

- a. Timely reporting, attendance, and adherence to assigned work schedule, to include prior supervisory approval, for any leave taken and overtime worked.

PROCEDURES:

- 1. The normal workweek for full-time employees of the Department of Agriculture is a "standard work schedule", unless otherwise approved as outlined in this policy. A standard work schedule is Monday through Friday, five consecutive work days of eight hours followed by two days off.
- 2. Offices or work units may wish to develop a plan to allow employees to work schedules alternative to the standard workweek. An employee may request an alternative work schedule.
- 3. Division Administrators have the responsibility to determine the hours of work for each employee, taking into consideration the operating needs and requirements of their Divisions, and ensuring that all federal and state statutes and regulations are being followed.
- 4. Each Division Administrator shall manage work schedules within the parameters of the general definitions and guidelines provided in this policy.
- 5. If an employee receives approval to change their work schedule, administrators must have the employee sign the required work schedule agreement as outlined in this policy and promptly notify AHRs and the Department payroll clerk of the change.
- 6. Part-time/Seasonal/Intermittent Employees: The workweek and schedule of work for part-time or seasonal employees working for the Department will be determined by the conditions of employment, but must also comply with all state statutes, regulations and policies specific to part-time, seasonal and intermittent

work. These employees will be on a variable workday schedule.

7. General Definitions:

- a. Non-Standard Workweek (NAC 284.072): The non-standard workweek means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is other than Monday through Friday.
- b. Innovative Workweek (NAC 284.067): The innovative workweek means a work schedule that differs from a standard or non-standard workweek.
- c. Variable Workday Schedule:
The employee and the Division Administrator (or designated representative) must have signed the form TS-78 prior to the employee being allowed to flex from their standard schedule or work more than eight hours in a day. The variable schedule must be worked within a 40-hour period beginning Monday and ending the following Sunday. Further, the original signed agreement must be immediately forwarded to AHRS so that the appropriate documents can be processed to make changes to the employee's work schedule code in the Central Records System.

An employee who has been approved for a variable workday schedule may use this schedule and flex his time worked within a 40-hour workweek with prior approval of the supervisor.

8. Attendance and Leave:

- a. Employees who are on an innovative workweek are required to use the appropriate number of leave hours for days missed (for example, 10 hours of sick leave for a 10 hour workday absence), unless as otherwise provided for in this policy.
- b. For any week, in which a holiday occurs, it is preferred that employees revert to a standard work schedule of working eight-hour days for the remainder of the week or take leave to make up the difference between their scheduled shift and the holiday.

9. Lunch and Rest Periods:

- a. All full time employees must take a minimum of one half hour (unpaid) as a lunch break as provided for in NAC 284.524. This applies regardless of the work schedule an employee is on.
- b. A rest period (break) of 15 minutes will be granted for each 4-hour period of work, taken insofar as practicable in the middle of the 4-hour work

period. Rest periods do not accumulate; if not taken, they are forfeited.


10. Approval Process:

- a. Alternative/Innovative Work Schedule – Employee Agreement: All requests for alternative work schedules must be submitted through the appropriate Division's chain-of-command for final approval by the Division Administrator.
- b. A Division Administrator may recommend approval of the employee's request, but all requests to work an innovative work schedule must also receive final approval from the Director or his designated representative. The request for an innovative workweek may be denied if it is determined not to be in the best interest of the Department.
- c. An employee agreement is required for employees working an alternative or innovative work schedule (any set schedule that differs from a standard workweek). The Department of Agriculture form *Alternative Work Schedule – Employee Agreement*, contained within this policy, will specify the schedule to be worked, and will include the employee's signed acknowledgement to follow the provisions and requirements within as a condition of participation.
- d. While work schedules may be revoked at any time that they no longer serve the interests of the Division, employees should be given at least two weeks notice of the change in work schedule, whenever feasible.
- e. Employees requesting innovative work schedules exceeding 8 hours in a day must also sign a Variable Workday Agreement form TS-78, unless the employee's position is Fair Labor Standards Act (FLSA) exempt for overtime purposes. This agreement may be rescinded by either party giving 30 working days notice.
- f. **NOTE:** When an employee enters into either or both of the agreements provided in this policy, the original signed agreement(s) must be forwarded to AHRS so that the appropriate documents may be processed to ensure the employee's records reflect such agreement(s).

POLICY COMMUNICATION

This policy will be communicated to all employees and any employee needing clarification should contact AHRS or a DHRM representative for more information.

DIRECTOR'S POLICY AUTHORIZATION:



Jim R. Barbee, Director

3/28/13
Date

APPROVED BY THE BOARD OF AGRICULTURE ON March 26, 2013.
Effective Date

This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with the state law and the Rules for State Personnel Administration (NRS & NAC 284).

**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
ALTERNATIVE WORK SCHEDULE – EMPLOYEE AGREEMENT**

I, _____, agree to adhere to the following provisions as a condition of participation in the alternative work schedule program:

1. Work hours will be from _____ to _____, _____ days a week.
2. I will work a standard work schedule of eight hours a day when it is deemed necessary to meet the needs of the agency.
3. I enter into this agreement in good faith that I will do my best to help the department realize the benefits outlined:
 - a. More efficient delivery of benefits
 - b. Better customer service
 - c. Better morale and motivation
4. I understand when I take a day of annual or sick leave, I am required to use the number of hours I am actually absent (i.e., regular work day is 10 hours, then 10 hours must be recorded).
5. I understand violations of this agreement may result in the loss of the alternative work schedule and may result in disciplinary action.
6. I understand this agreement may be revoked at any time if the schedule no longer serves the interests of the department.
7. I understand if my regular schedule requires me to work more than eight hours in a day, I must sign a variable work day agreement.

Employee Signature: _____ **Date:** _____

Supervisor Signature: _____ **Date:** _____

DISTRIBUTION: Original – Agency HR Services; Copy – Employee; Copy - Supervisor